

**SIKKIM**

**GOVERNMENT**



**GAZETTE**

**EXTRAORDINARY  
PUBLISHED BY AUTHORITY**

**Gangtok**

**Monday 21<sup>st</sup> September, 2020**

**No. 293**

**GOVERNMENT OF SIKKIM  
HOME DEPARTMENT  
GANGTOK**

**No. 57/Home/2020**

**Dated: 15/09/2020**

**NOTIFICATION**

In order to ensure uniformity and for effective processing of matters relating to filing of Appeal in case of acquittal under section 378 of the Code of Criminal Procedure, 1973 before the Hon'ble High Court of Sikkim, the State Government is pleased to lay down the following guidelines with immediate effect:-

1. All proposals or requests for filing of Appeal in case of acquittal under section 378 of the Code of Criminal Procedure, 1973 shall be processed by the concerned District Superintendent of Police under whose jurisdiction the case has been acquitted by the Hon'ble Court.
2. All proposal or requests for filing of Appeal in case of acquittal under section 378 of the Code of Criminal Procedure, 1973 shall be processed on the same day the case is disposed of by the concerned Court.
3. The concerned District Superintendent of Police shall also seek the legal opinion of the conducting Public Prosecutor/ Addl. Public Prosecutor/Assistant Public Prosecutor as the case may be.
4. On receipt of the legal opinion of the conducting Public Prosecutor/ Addl. Public Prosecutor/Assistant Public Prosecutor as the case may be, the file shall be forwarded to the Head of the prosecuting agency for seeking their views and comments.
5. The head of the prosecuting agency shall seek the legal opinion of the Ld. Advocate General of Sikkim or Ld. Addl. Advocate General of Sikkim and the opinion of the Law Department wherever required in the matter. The file should reach to the Ld. Advocate General of Sikkim or Ld. Addl. Advocate General of Sikkim within 7 (seven) days from the date of Judgment.
6. Thereafter, the file shall be forwarded to the Home Department. Home Department may decide all such matters of filing of appeal or otherwise in criminal cases, based on the

opinion of the Ld. Advocate General of Sikkim/ Ld. Additional Advocate General of Sikkim and the opinion of the Law Department.

7. In the process the prosecuting agency shall ensure that the proposal or request is processed on time and also adhered to the prescribed limitation for filing of Appeal before the Hon'ble High Court of Sikkim.

By Order and in the name of Governor,

S.C. Gupta, IAS  
Chief Secretary,  
Government of Sikkim,  
File No. Gos/Home-II/2002/29